

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES A. SMITH, JR.,

Plaintiff,

v.

WILLIAM POLLARD, et al.

Defendants.

ORDER

17-cv-301-slc

On June 2, 2017, I denied plaintiff James A. Smith Jr.'s motion for leave to proceed in forma pauperis because he has previously incurred "three strikes" under 28 U.S.C. § 1915(g), and his current complaint did not allege that he was in imminent danger of serious physical injury at the time he filed this lawsuit. In particular, Smith's claims are based on allegations that he has been denied access to court-ordered anger management programs, in violation of the Americans with Disabilities Act and his right to equal protection and due process. Smith had not alleged, however, that denial of access to these programs presented any imminent danger of serious physical injury.

Smith has now filed a motion for reconsideration (dkt. 8), in which he states that the court should consolidate this case with 16-cv-10-slc, in which I concluded that his allegation that he was at risk of sexual assault were sufficient to allege imminent danger. (Dkt. 18, in 16-cv-10-slc.) I am denying the motion. Smith's claims in this case are not sufficiently related to his claims in 16-cv-10, such that they would be appropriate for consolidation. Additionally, case number 16-cv-10 is already at the summary judgment stage, meaning the case has progressed too far to add new claims. Accordingly, Smith's motion for reconsideration will be denied. He may not proceed with this action without prepayment of the full \$400 filing fee under § 1915(g).

Smith has also filed two motions for assistance in recruiting counsel (dkt. 2, 7), which will be denied without prejudice. Because it is unclear whether Smith will be proceeding on any claims in this case, it would be premature to consider that motion.

ORDER

IT IS ORDERED that:

(1) Plaintiff James Smith's motion for reconsideration (dkt. 8) is DENIED. Plaintiff may have until July 13, 2017, to pay the \$400 filing fee to proceed with this action. After plaintiff pays the \$400 fee, his complaint will be screened under 28 U.S.C. § 1915A. If plaintiff fails to pay the \$400 fee by the above deadline, his complaint will be dismissed.

(2) Plaintiff's motions for assistance in recruiting counsel (dkt. 2, 7) are DENIED without prejudice.

Entered this 29th day of June, 2017.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge